

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Julio J. Fuentes

Docket No. 5:10-M-1386-1

Petition for Action on Probation

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment of Julio J. Fuentes, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, Driving While Impaired (Level 4), was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on November 3, 2010, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 48 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
4. The defendant shall surrender his North Carolina driver's license to the Clerk of this Court for mailing to the North Carolina Division of Motor Vehicles and not operate a motor vehicle on the highways of the State of North Carolina except in accordance with the terms and conditions of a limited driving privilege issued by the appropriate North Carolina Judicial Official.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On March 31, 2011, the defendant was charged in Cumberland County with the offense of Driving While License Revoked (11CR5434). The defendant reports that after making repairs to his vehicle, he decided to test drive it to make sure he had fixed the problem. While test driving the vehicle, he was stopped by a Fayetteville Police Officer. The defendant reports he is in the process of getting a limited driving privilege. He has been instructed not to drive on a public highway until he obtains the privilege. As a sanction for this conduct, we are recommending that the conditions of probation be modified to include an additional 24 hours of community service.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: April 19, 2011

ORDER OF COURT

Considered and ordered this 19 day of April, 2011, and ordered filed and made a part of the records in the above case.


James E. Gates
U.S. Magistrate Judge